

BELARUS (Tier 2 Watch List)

Belarus is a source, transit, and destination country for women, men, and children subjected to sex trafficking and forced labor. Belarusian women and children are subjected to sex trafficking in Russia, Italy, Egypt, the Czech Republic, Lithuania, Spain, Belgium, Turkey, Israel, the United Arab Emirates, Cyprus, Germany, Greece, Lebanon, Poland, and within Belarus. Some Belarusian women are transported through Latvia and Lithuania *en route* to Western Europe, where they are subsequently subjected to forced prostitution. Belarusian men, women, and children are found in forced labor in the construction industry and other sectors in Russia and Belarus. The Government of Belarus restricted Belarusian workers in state-owned wood processing factories as well as construction workers employed in modernization projects at those factories from leaving their jobs. Belarusian men seeking work abroad are increasingly subjected to forced labor. Workers are recruited through informal advertisements and notice boards and then taken by minibuses from employment centers to foreign countries such as Russia.

The Government of Belarus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these efforts, the government did not demonstrate evidence of increasing anti-trafficking efforts over the previous reporting period; therefore, Belarus is placed on Tier 2 Watch List for a third consecutive year. Belarus was granted a waiver from an otherwise required downgrade to Tier 3 because its government has a written plan that, if implemented, would constitute making significant efforts to meet the minimum standards for the elimination of trafficking and is devoting sufficient resources to implement that plan.

During the reporting period, the government issued a decree that forbade thousands of workers in the wood processing industry from leaving their jobs in state-owned factories without their employers' permission. Despite an increase in trafficking victims identified and offered care by NGOs, authorities certified very few victims of trafficking and secured only one conviction under the trafficking statute. The government passed a new anti-trafficking law that authorized new victim protections including the provision of beds in state shelters and the right to access care without first agreeing to cooperate with criminal proceedings. The government also passed a new law permitting state funding for services provided to trafficking victims. However, until these laws are fully implemented through regulations, available government-funded services to victims remained very limited, and victims faced bureaucratic hurdles in accessing state shelters. The government continued its efforts to prevent trafficking through awareness campaigns, online tools for potential migrant workers, and promotion of trafficking hotlines.

Recommendations for Belarus: Revoke the December 2012 presidential decree forbidding wood processing workers' resignation without their employers' permission; demonstrate vigorous investigation and prosecution of forced labor and forced prostitution offenders; increase use of Article 181 of the criminal code to prosecute

trafficking cases, even in cases also charged under other statutes; examine the revised legal definition of human trafficking to ensure that trafficking cases that do not involve the purchasing and selling of a person are still considered trafficking cases under Belarusian law; improve victim identification, including of teenagers in prostitution inside Belarus and forced labor victims; ensure all victims, including children, are provided with appropriate assistance and protection; increase resources devoted to victim assistance and protection within Belarus; provide funding to NGOs offering victim care; continue efforts to formalize a national identification and referral mechanism; certify individuals as trafficking victims in cases in which a criminal case has not been opened in order to ensure that victims receive appropriate victim assistance; reduce the bureaucratic steps required to access shelter; establish a program to ensure that repatriated victims are given care; cultivate a climate of cooperation with NGO partners providing critical victim protection services; and extend legal counseling to victims upon identification rather than the initiation of an investigation.

Prosecution

The Government of Belarus demonstrated decreased law enforcement efforts during the reporting period, as the government issued a decree establishing coerced labor in a state-run industry and secured significantly fewer convictions. In December 2012, Alexander Lukashenko issued a decree forbidding workers in state-owned wood processing factories from resigning without their employers' permission. The decree applied to thousands of employees; employees are permitted to appeal the decision to the government-appointed provincial governor, but not to a judge. At least one instance of workers barred from quitting occurred during the reporting period. However, the government explained the decree was temporary in nature and workers were free not to sign new contracts required under the decree.

Belarusian law prohibits both sex and labor trafficking through Article 181 of its criminal code, which prescribes penalties ranging from five to 15 years' imprisonment in addition to the forfeiture of offenders' assets. These penalties are sufficiently stringent and are commensurate with penalties prescribed for other serious crimes, such as rape. The Government of Belarus reported eight trafficking investigations in 2012 under Article 181. The government investigated eight additional trafficking cases under non-trafficking statutes, including seven under Article 171 and sub-Article 171, which criminalize pimping and engaging in prostitution, and one case under sub-Article 181, which criminalizes profiting from servitude. This was an increase from 2011, in which the government reported nine trafficking investigations, but remained below the 39 trafficking investigations reported in 2010. Belarusian authorities convicted one trafficking offender under Article 181 in 2012, in contrast to seven in 2011 and 12 in 2010. The government reported sentencing the convicted offender to prison, but did not report the length of the prison term. The government did not report the investigation or prosecution of any public official for alleged complicity in trafficking in persons crimes. Some observers noted that judges required evidence of money transfers or the buying and selling of a person to prove human trafficking under Article 181, which may be one reason it was infrequently used. The government provided the equivalent to

approximately \$12,300 to its international anti-trafficking training center, which, with the collaboration of NGOs and international organizations, trained over 175 Belarusian and foreign government law enforcement officials on investigating human trafficking cases. Law enforcement officials reported jointly investigating several transnational trafficking-related cases with counterparts from Poland, Turkey, Russia, Germany, Israel, and Estonia.

Protection

The government demonstrated mixed protection efforts during the reporting period, identifying very few victims of trafficking and offering limited services. While two new anti-trafficking laws increased victim protection, victim identification efforts continued to decrease. In 2012 the Belarusian government identified 12 victims of trafficking under Article 181, compared with 14 in 2011 and 64 in 2010. This downward trajectory corresponded with a decrease in trafficking investigations and demonstrated a reduced capacity to ensure human trafficking offenses were recognized and victims were appropriately offered care. Experts observed that the number of trafficking victims identified by the government was far from commensurate with the number of Belarusian victims identified by NGOs and other sources outside of the country, particularly with regard to reports of increased labor trafficking of Belarusians in Russia. In fact, NGOs in Belarus assisted 196 trafficking victims in 2012, more than the 142 assisted in 2011. Observers reported that law enforcement officials referred more than 50 percent of the trafficking victims cared for to NGOs. Law enforcement officers used specialized references and instructions to identify trafficking victims and refer them for rehabilitation. The government continued to draft proposals for the introduction of a national victim identification and referral mechanism. The government's diplomatic missions abroad helped four Belarusian trafficking victims return to the country and referred one victim to an NGO for care.

Two new laws were passed that, when implemented, could improve victim protection practices. One statute broadened the definition of a trafficking victim, provided for beds in non-trafficking-specific state shelters, and allowed victims to receive care without first requiring their cooperation with criminal proceedings. Another law allowed the government to provide funding to NGOs running social welfare programs; however, the government was still developing guidelines for implementation and did not expect the funding mechanism to be fully enforced until 2014. The government reported providing the equivalent of at least approximately \$28,200 for victim reintegration. This was an improvement from 2011, when the government did not report any funding for victim reintegration. The government did not have trafficking-specific facilities available to care for victims, but it maintained 50 non-trafficking-specific "crisis rooms," which, per the new anti-trafficking law, offered temporary shelter, including beds, meals, and personal hygiene products, usually for up to 10 days. The government did not report how many trafficking victims received assistance at these facilities. Observers noted victims needed to obtain many signatures to get access to these crisis rooms, impeding ready access to shelter. While the government did not identify any child victims of trafficking, the Ministry of Education reported maintaining social and education centers that could

provide shelter and rehabilitative services. Similar to past years, a large number of victims declined shelter from state-supported centers for fear of social stigma or reprisal. During the reporting period, the Ministry of Health Care approved a list of medical services available for trafficking victims at all state-run medical institutions, which are normally restricted to providing services to individuals residing in their region. Experts noted trafficking victims could easily obtain medical assistance from the state-run hospitals; however, to receive prompt and high-quality medical assistance anonymously, victims reportedly had to pay for certain medical services and seek help at private clinics. The government adopted regulations in February 2012 that provide free-of-charge legal assistance from state-run bar associations during investigations and prosecutions, although victims were without legal counseling prior to police initiating an investigation. The Ministry of Interior (MOI) reported that the government provided lawyers to some trafficking victims. Authorities did not issue any temporary residence permits in 2012, as the government did not identify any foreign trafficking victims. In 2012, the government hosted a seminar for staff members of the crisis room facilities on principles of social rehabilitation. The government also hosted a seminar for psychologists providing services at the crisis room facilities. Observers noted that the government did not consistently screen for trafficking indicators during the prosecution of prostitution cases; in 2012, authorities issued fines to hundreds of women in prostitution and arrested more than 150 for up to 15 days in prison.

Prevention

The Government of Belarus improved its efforts to prevent trafficking in 2012. The government conducted public awareness campaigns on radio, in print, and on television. The Government of Belarus supported two NGO-operated anti-trafficking hotlines and, with assistance from an NGO, prepared and printed leaflets and bulletins to inform vulnerable groups about the hotline. The MOI reviewed and approved advertisements for work abroad and significantly improved its website, with updated pages on licensed employment and marriage agencies as well as a new section on securing employment and avoiding exploitation in Russia. The new anti-trafficking law created the position of a national rapporteur and charged it with coordinating anti-trafficking law enforcement activities, liaising with international organizations and foreign governments on trafficking, and annually reporting to the government; the government designated the Minister of the Interior as the national rapporteur during the reporting period. The government reported implementing its 2011-2012 plan of action on victim assistance. The government continued to implement the 2011-2013 State Program to Counteract Trafficking in Human Beings, Illegal Migration, and Other Related Illicit Activities, and the MOI remained the coordinating agency that annually reported on the government's progress.